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RUEHLL/AMEMBASSY LISBON PRIORITY 6877
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RUEHMO/AMEMBASSY MOSCOW PRIORITY 7133
RUEHNR/AMEMBASSY NAIROBI PRIORITY 0356
RUEHNE/AMEMBASSY NEW DELHI PRIORITY 2354
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RUEHRO/AMEMBASSY ROME PRIORITY 9231
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RUEHUL/AMEMBASSY SEOUL PRIORITY 9722
RUEHSM/AMEMBASSY STOCKHOLM PRIORITY 6572
RUEHTC/AMEMBASSY THE HAGUE PRIORITY 4244
RUEHKO/AMEMBASSY TOKYO PRIORITY 7507
INFO ARAB LEAGUE COLLECTIVE PRIORITY
ASSOCIATION OF SOUTHEAST ASIAN NATIONS COLLECTIVE PRIORITY
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NATO EU COLLECTIVE PRIORITY
POLAD COLLECTIVE PRIORITY
UN SECURITY COUNCIL COLLECTIVE PRIORITY
RUEHKL/AMEMBASSY KUALA LUMPUR PRIORITY 0715
RUEHOT/AMEMBASSY OTTAWA PRIORITY 3628
RUCNDT/USMISSION USUN NEW YORK PRIORITY 4554
RUEHBS/USEU BRUSSELS PRIORITY

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SUBJECT: PIRACY: FIRST MEETING OF CONTACT GROUP CHARTS
COURSE FOR COMBATING PIRACY

REF: STATE 1223

¶1. (SBU) Summary: Pursuant to UNSCR 1851, the Contact Group on Piracy off the Coast of Somalia (CGPCS) held its inaugural meeting on January 14 in New York. Twenty-four countries and five international organizations met to discuss - and came to agreement on the way ahead - on six focus areas dealing with the issue of piracy. These focus areas, which flow from the USG Counter-Piracy Action Plan (CPAP) include improving operational and intelligence support, establishing a counter-piracy coordination mechanism, strengthening judicial frameworks for arrest, prosecution, and detention of pirates, strengthening commercial shipping self-defense and other capabilities, pursuing improved diplomatic and public information efforts, and disrupting pirate financial operations. To address these issues, the Contact Group agreed on a number of key points - standards for admission into the Contact Group, a name change to reflect a focus on counter-piracy off the coast of Somalia (rather than a focus on Somali pirates), the formation of working groups and work plans to operationalize the efforts of the Contact Group (and, by extension, both UNSCR 1851 and the USG CPAP), the selection of national leads for the working groups, the need to draw on existing international organizations, such as the Financial Action Task Force (FATF) and the Egmont Group, to

determine sources and uses of pirate finances, a commitment to a second meeting of the Contact Group in March 2009, and a robust communiqu (sent separately). End Summary

U.S. Provides Situation Update on Piracy; Sets Out Objectives for First Contact Group Meeting

¶12. (SBU) Assistant Secretary Kimmitt opened the inaugural meeting of the Contact Group with a situational update on piracy incidents off the coast of Somalia. He reported that incidents of piracy off the Horn of Africa grew significantly in 2008, with the likelihood of such attacks increasing in 2009. Kimmitt cited the number of reported attacks in 2008 was 122, with 15 pirate attacks having taken place in 2009 (as of January 12). He noted that ransom payments totaling over \$30 million have been paid to pirates in 2008 and these large amounts have encouraged additional pirate attacks. He highlighted the negative effects of piracy on freedom of navigation, the increase in shipping insurance premiums along one of the world's most traveled routes, and the prospect of environmental disaster as ships fall prey to hostile intent. That said, Kimmitt noted that international efforts have started to make a difference, noting that only four of the thirty-two piracy attempts were successful from November 28 - January 12. The Combined Maritime Force, NATO, the EU and countries on national tasking have undertaken counter-piracy

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operations during the last six months. Kimmitt highlighted the fact that over 65 ships from the navies of 15 countries have been involved in countering piracy off the coast of Somalia and coordination and information sharing have improved.

¶13. (SBU) In opening statements by the Contact Group members, there was unanimity in the view that international collective action was necessary to stem the threat of piracy and the Contact Group was an ideal vehicle to coordinate these efforts. Somalia's Permanent Representative Elmi Ahmed Dualeh conveyed thanks to the Contact Group and states that provide protection to humanitarian aid shipping, noting that unity of action will help discourage piracy. With its basis grounded in UNSCR 1851, countries like China and Russia were vocal in their support of the formation of the Contact Group and its objectives of better coordination in areas like information sharing and protection of commercial shipping lanes. On several occasions China noted that there should be a strong link between the Contact Group and the UNSC and that China supports international cooperation pursuant to UNSC resolution. As many members pointed out, piracy has an international impact. Greece noted its shipping interests - which represent seventeen percent of the world total - are looking for a solution to the scourge of piracy; India - which has ten percent of the world's seafarers - pointed to the importance of the Contact Group's efforts to focus on this issue.

¶14. (SBU) Contact Group members wrestled with the question of how to address the issue of Somalia's political situation as it related to piracy. All agreed that piracy was a symptom of Somalia's weak central authority. A number of countries attempted to pull piracy into the larger debate on Somalia, but A/S Kimmitt reminded the group that the mandate from UNSCR 1851 limited the focus to piracy alone, and that the larger issue of Somalia would be handled by organizations such as the U.N. International Contact Group on Somalia.

Focus Areas One and Two: Improving Operational and Intelligence support to Counter-Piracy efforts and Establishing a Counter-Piracy Coordination Mechanism

¶15. (SBU) In the first two sessions, the Contact Group noted

the importance of coordinating both intelligence and information among the military, civilian and industry stakeholders. It also viewed these focus areas as two of the most important efforts the Contact Group would undertake.

Acting on the suggestion of German and French representatives, the Contact Group agreed to merge focus areas one and two into one working group. UK Foreign and Commonwealth Office's Director of International Security Paul Johnston volunteered the United Kingdom to co-chair this working group with the International Maritime Organization. In line with the UNSCR mandate establishing an international coordination mechanism, Johnston also lent UK support to

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stand up a regional counter-piracy center. There was disagreement on the advisability of industry involvement within the coordinating mechanism, with the U.S./UK supporting such involvement and the French delegation strongly opposed. Johnston pledged to prepare and circulate a paper for comments that would deal with counter-piracy information sharing and coordination mechanisms and would offer several suggestions on the way forward on these issues. He offered to host a working group meeting in London before the next Contact Group meeting.

¶6. (SBU) On improving coordination of intelligence and information, several members voiced concerns on the terms of reference and rules of engagement (ROE) associated with counter-piracy operations. Yemen's UN Permanent Representative - referencing the death of a Yemeni fisherman during a Russian-conducted counter-piracy operation - emphasized the need to understand the ROE and avoid such tragic mistakes in the future. Russia's Deputy Permanent Representative Iliya Rogachev challenged this version of what happened, stating that a Russian frigate responded to a Dutch ship's distress call that it was under attack from pirates. In recounting the events, Rogachev questioned why a fisherman would be in a high-speed boat chasing a Dutch ship. Rogachev promised a thorough investigation, which the Yemeni representative looked forward to reviewing.

Focus Area 3: Strengthening Judicial Frameworks

¶7. (SBU) In the third session, the United States began the discussion of legal issues by noting that a key aspect of fighting piracy is the effective apprehension, prosecution and detention of suspects, that we should not be in a position where suspects are apprehended and let go for want of a venue for prosecution or that piracy suspects are apprehended only to remain on coalition vessels for extended periods of time for want of a venue to effectively prosecute them, that we should all have laws criminalizing piracy, that the burden of prosecution should not fall on one or two countries, and that a working group should be set up to focus on five issues:

- the extent to which Contact Group countries have established criminal jurisdiction that covers piracy on the high seas and armed robbery in Somali territorial waters;
- the circumstances under which such countries are in a position to prosecute suspected pirates, from policy, practical, and capacity points of view;
- for Contact Group countries engaged in counter-piracy operations in the region, the extent to which they have or are considering concluding arrangements with States in the region concerning delivery and prosecution of suspects;
- for Contact Group countries in the region in a position to prosecute suspected pirates, their requirements to strengthen capacity to prosecute and incarcerate, as well as legal requirements that other countries capturing suspects should

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be aware of (such as evidentiary requirements); and -- the extent to which Contact Group members can make available financial and other practical support to assist other countries with prosecutions.

¶8. (SBU) There was widespread agreement on judicial issues. Specifically, there was broad agreement that a working group on these issues was necessary, that it should have a broad mandate (including the issues identified by the United States), that work on these issues was urgent both because of the specialized nature of legal issues surrounding piracy and because countries have a wide variety of legal circumstances (both in terms of domestic law and their respective international obligations), that the working group should focus its attention on practical arrangements, and that Denmark should lead the group with assistance from other countries and UNODC. A notable area of disagreement was whether an international tribunal/court should be established in the longer-term to deal with piracy prosecutions, with Germany favoring such a mechanism and others (including France, the UK, and China) strongly opposing this mechanism.

Focus Area Four: Strengthening Commercial Shipping
Self-Defense Capabilities

¶9. (SBU) U.S. Maritime Administrator (MARAD) Sean Connaughton noted the important role the shipping industry plays, emphasizing civilian and military authorities can not tackle this issue alone. He highlighted industry's capacity-building efforts in self-protection, and mentioned the shipping industry's recent efforts to compile a best practices guide to help minimize pirate attacks. He also cited the EU's website, which contains useful suggestions for industry. Connaughton thought the formation of a Commercial Industry Working Group communicating directly with industry would send a strong signal that the international community is serious about cooperating with industry to thwart piracy. International Maritime Organization (IMO) noted its efforts to work with commercial shipping over the past three decades and offered to support the working group efforts, stating its experience and work would complement this focus area. The U.S. agreed to co-lead the working group with the International Maritime Administration to build on the existing efforts of industry.

Focus Area Five: Diplomatic and Public Information efforts

¶10. (SBU) Noting the importance of creating a strong, unified international image and hitting the target audiences, Egypt's Wafaa Bassem, Assistant Foreign Minister for Cabinet Affairs, offered Egypt as leader of this working group. She said it was important to show the link between piracy and the weak central government of Somalia, as well as craft the public message to be preventative in nature which could help

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discourage people in the region from turning to piracy.

Focus Area Six: Disrupting Pirate Financial Operations

¶11. (SBU) After debating the focus of the piracy finance question, the Contact Group reached agreement that it would call on existing international financial mechanisms, such as the FATF and the Egmont Group, to trace financial flows that fund piracy efforts and request these groups report back to the Contact Group. Concerns centered on the difficulty and sensitivity of tracing pirate-destined funds or ransoms paid, as it touched on the sensitive nature of financial transactions. Bassem said it was important to gather expert opinions on legal controls and that these efforts do not

encroach on other on-going efforts to trace financial transactions, i.e. terrorist financing.

Press Conference

¶12. (SBU) Following the meeting, representatives of the Contact Group held a press conference highlighting the international cooperation on finding common solutions to piracy. A/S Kimmitt pointed to this meeting and the group assembled as a clear show of the international community's resolve to work together to combat the increasing threat that piracy off the coast of Somalia presents to the safety of mariners, to commerce, to the delivery of critical humanitarian assistance to the Somali people, and to international security. There were no contentious questions asked.

Next Steps and New Members

¶13. (SBU) The Contact Group agreed to hold its next meeting in March, with the location still to be determined. Well ahead of this next meeting, working groups will meet to address the issues -- and questions -- which arose at the Contact Group meeting. Working groups will likely convene in the lead country's capital. The Contact Group also reached consensus on a new membership policy, offering participation to any nation or international organization making tangible contributions to counter-piracy efforts or any country significantly affected by piracy off the coast of Somalia. Under these criteria the Contact Group admitted four new member countries and one organization - Belgium, Norway, Portugal, Sweden, and the Arab League.

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